

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DANTE FITZSIMMONS,
Plaintiff,

v.

JOHN REILLY, et al.,
Defendants.

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CIVIL ACTION NO. 19-CV-2608

ORDER

FILED
JUN 19 2019
KATE BARKNIN, Clerk
By _____ Dep. Clerk

AND NOW, this 18th day of June, 2019, upon consideration of Plaintiff Dante

Fitzsimmons's Motion to Proceed *In Forma Pauperis* (ECF No. 1) and his *pro se* Complaint (ECF No. 2), which raises claims under 42 U.S.C. § 1983, it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. The Complaint is **DEEMED** filed.
3. The Complaint is **DISMISSED with prejudice** pursuant to 28 U.S.C. § 1915

(e)(2)(B)(ii) to the extent that Fitzsimmons seeks to raise a claim concerning the handling of his prison grievances.

4. The Complaint is **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1915 (e)(2)(B)(ii) as to all claims asserted against Defendants Superintendent John Reilly, Warden David Byrnes and Deputy Warden Mario Colucci and Security Chief Richard Leach concerning conditions of confinement.

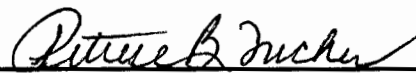
5. Fitzsimmons is given thirty (30) days to file an amended complaint. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Fitzsimmons's claims against each defendant, and shall not include any claim dismissed with

prejudice. Fitzsimmons should provide enough information for the Court to understand what happened to him and how each named Defendant acted to cause him injury. When drafting his amended complaint, Fitzsimmons should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

6. The Clerk of Court shall send Fitzsimmons a blank copy of the Court's form complaint for a non-prisoner filing a civil rights action bearing the above civil action number. Fitzsimmons may use this form to file his amended complaint in the instant case if he chooses to do so.

7. If Fitzsimmons fails to file an amended complaint in accordance with paragraph five (5) of this Order, his case will be dismissed without further notice for failure to prosecute.

BY THE COURT:



PETRESE B. TUCKER, J.